



**SUMMARY MINUTES OF THE
SAINT PAUL CITY COUNCIL**

Wednesday, August 15, 2007

**CITY COUNCIL CHAMBERS. 3RD FLOOR
CITY HALL AND COURT HOUSE
15 WEST KELLOGG BOULEVARD**

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:32 p.m. by Council President Lantry.

Present – 7 – Benanv, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune

Absent – 0

It was noted for the record that Item 19 was withdrawn as the proper fees were paid.

Councilmember Helgen requested Items 15 and 17 be withdrawn from the Consent Agenda for separate consideration.

Councilmember Thune moved approval of the Consent Agenda as amended.

Adopted Yeas – 7 Nays – 0

CONSENT AGENDA (Items 1 - 23)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Kathryn A. Anderson, Joy H. Erickson, Peter N. Kittleson, Stacy N. Hopson, and Paula R. Wirka.
Referred to Risk Management
2. Summons and Complaint in the matter of Northland Concrete & Masonry Company, LLC v. University Dale Apartments Limited Partnership, et al.
Referred to the City Attorney's Office

3. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on September 5, 2007 to consider the petition of Gerald Frisch, d/b/a Larpenteur Estate Apartments, to vacate part of a platted street south of Larpenteur Avenue on Huron Street to allow the property owner to develop on the east side of Huron Street, although there is no building proposed within the vacated area.
4. Letters from the Department of Safety and Inspections/Code Enforcement declaring 970 Concordia Avenue, 1016 Edgerton Street, and 735 Smith Avenue South as nuisance properties, and setting date of Legislative Hearings for August 28, 2007 and City Council public hearings for September 19, 2007.
5. Letters from the Department of Safety and Inspections/Code Enforcement declaring 751 Burr Street, 853 Dale Street North, 605 Magnolia Avenue East, and 610 Magnolia Avenue East as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
6. Administrative Order:
D002673 Authorizing the Police Department to pay for costs associated with the Eastside Boys and Girls Football Camp on June 30 and July 31, 2007.
On file in the City Clerk's Office

FOR ACTION

7. Approval of Minutes of June 27, 2007.
Adopted Yeas – 7 Nays – 0
8. Resolution – 07-728 – Approving the appointment of Sara Grewing, by Mayor Coleman, as Assistant to the Mayor VI, effective August 6, 2007.
Adopted Yeas – 7 Nays – 0
9. Resolution – 07-729 – Acknowledging receipt of the District Energy Rate Change Notice and directing the Office of Financial Services and City Council Research to analyze the rate changes and report back to the City Council within 120 days.
Adopted Yeas – 7 Nays – 0
10. Resolution – 07-730 – Approving the Ordway Center Project.
Adopted Yeas – 7 Nays – 0
11. Resolution – 07-731 – Authorizing the City to apply for a Certified Local Government Grant from the Minnesota Historical Society to be used for three members of the City's Heritage Preservation Commission to attend the National Trust for Historic Preservation National Conference in the Twin Cities on October 2-6, 2007.
Adopted Yeas – 7 Nays – 0

12. Resolution – 07-732 – Authorizing the Department of Planning and Economic Development to apply to the Department of Employment and Economic Development for grant funds for the Regional Indoor Farmers Market and Flats, City House, and Dale Street Village on University project.
Adopted Yeas – 7 Nays – 0
13. Resolution – 07-733 – Authorizing the Division of Parks and Recreation to accept a \$50,000 grant from the Bremer Foundation for development of the Oxford Aquatic Center and Jimmy Lee Recreation Center.
Adopted Yeas – 7 Nays – 0
14. Resolution – 07-734 – Amending the financing and spending plans in the Fire Department’s Capital Project Fund for additional costs to build the Public Safety Fueling Station and the Griffin Building.
Adopted Yeas – 7 Nays – 0
16. Resolution – 07-736 – Memorializing the decision of the Legislative Hearing Officer at the August 1, 2007 City Council Public Hearing to deny the appeal for property at 1033 Colne Street.
Adopted Yeas – 7 Nays – 0
18. Resolution – 07-738 – Approving adverse action against the Cigarette/Tobacco license held by Farah & Associates, LLC, d/b/a St. Paul Food and Tobacco, 189 7th Street East.
Adopted Yeas – 7 Nays – 0
19. Resolution – 07-739 – Approving adverse action against the Cigarette/Tobacco license held by E & E Liquors, Inc. d/b/a Erick’s Bar, 949 7th Street East.
Withdrawn
20. Resolution – 07-740 – Approving adverse action against all licenses held by Solo Restaurant & Bar, LLC, 111 Kellogg Boulevard East.
Adopted Yeas – 7 Nays – 0
21. Resolution Approving Assessment – 07-741 – In the matter of the assessment of benefits, cost, and expenses for tenant remedy action rehabilitation for property at 2254 Matterhorn Lane in June, 2007, and setting date of public hearing for September 19, 2007. [File No. TR0707]
Adopted Yeas – 7 Nays – 0

- 22. Resolution Approving Assessment – 07-742 – In the matter of the assessment of benefits, cost, and expenses for the Griggs/Jefferson RSVP Phase I for 2007, and setting date of public hearing for October 3, 2007. [File No. 19031]
Adopted Yeas – 7 Nays – 0

- 23. Resolution Approving Assessment – 07-743 – In the matter of the assessment of benefits, cost, and expenses for Operation of the Above Standard Street Lighting System for the year 2007 for the following projects: Lowertown Area, Ford-Cleveland Area, Grand-West Area, North Wabasha Area, 4th/Minnesota Area, Concord Phase I Area, Wabasha/St. Peter Area, University-Western-Mackubin Area, West 7th/Madison to Munster Area, Snelling-Randolph Area, United/Children’s Hospital Area, Como-Snelling Area, White Bear/Beech-Reaney Area, Hamline University Area, Downtown Acorn Area, White Bear/Larpenteur-Hoyt Area, Selby-Western Area, Grand-East I and II Areas, Smith Avenue Area, Selby Revitalization Areas 1 and 2, River Park Plaza Area, East 7th/Payne-Minnehaha-Mendota Area, City Hall-Court House Area, Landmark Center Area, Dale/University-Minnehaha-Hatch Area, Suburban/White Bear-Ruth Area, and Rice/Sycamore-Front Area, and setting date of public hearing for October 3, 2007.
Adopted Yeas – 7 Nays – 0

-
- 15. Resolution - 07-735 - Establishing a stay in implementation of C.F. 07-648 on an order to remove 80 Sycamore Street East.

Councilmember Helgen introduced a substitute resolution with additional language indicating that the petitioner provide the City with proof that the property had adequate liability insurance, and that no building permits will be issued to the petitioner except upon a resolution by the City Council.

Substitute introduced and adopted Yeas – 7 Nays – 0

- 17. Resolution – 07-737 – Memorializing City Council action taken August 1, 2007, revoking all licenses held by DRJ, Inc., d/b/a Diva’s Overtime Lounge, 1141 Rice Street. (GS 3042622)

Councilmember Helgen referred to correspondence from the Law Office of Mansfield, Tanick & Cohen and moved approval.

Adopted Yeas – 7 Nays – 0

Council President Lantry also referenced correspondence from the Law Office representing Diva’s requesting Council stay the implementation of the revocation of licenses until such time as they could appear before the Court of Appeals. Council

President Lantry further stated that per the request of representatives of Diva's, she was allowing time at this meeting for them to speak to the Council pertaining to the revocation of their licenses; however, and no one appeared.

Councilmember Helgen moved suspension of the rules to consider an item related to the above resolution. Yeas – 7 Nays – 0

Resolution – 07-760 – Denying a Stay in Implementation of C.F. 07-737, and revoking all licenses held by DRJ, Inc., d/b/a Diva's Overtime Lounge, 1141 Rice Street.

Councilmember Helgen moved approval.

Adopted Yeas – 7 Nays - 0

FOR DISCUSSION

24. Resolution – 07-744 – Recognizing Community Gardening Day in the City of Saint Paul.

Council President Lantry acknowledged Kristin Sailor and others present who actively participate in community gardens throughout the City. Council President Lantry read and presented a proclamation declaring August 18, 2007 as Common Garden Day in the City of St. Paul.

Councilmember Thune moved approval.

Adopted Yeas – 7 Nays – 0

25. Resolution – 07-745 – Approving the application with conditions, per the Legislative Hearing Officer, for a Malt Off-Sale license by Ismael Hernandez, owner, d/b/a Flor de Isote, 935 Maryland Avenue East.

Councilmember Bostrom moved approval.

Adopted Yeas – 7 Nays – 0

Later in the meeting, Councilmember Bostrom moved to reconsider this item.

Yeas – 7 Nays – 0

Councilmember Bostrom moved to lay over resolution one week.

Laid over to August 22 Yeas – 7 Nays – 0

26. Resolution – 07-702 – Ordering the owner to remove the property at 1039 5th Street East within fifteen (15) days from adoption of resolution. (Laid over from August 1)
(Legislative Hearing Officer recommends approval)

Council President Lantry said the property owners are very close to obtaining a purchase agreement, and she moved a one week layover.

Laid over to August 22 Yeas – 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

27. Final Adoption – 07-633 – An ordinance amending § 65.500 of the Legislative Code by adding a new section providing for the outdoor sales of consumer fireworks, and amending use tables in §§ 66.421 and 66.521 by adding consumer fireworks sales as a permitted use in certain districts. (Amended August 8)

Councilmember Benanav moved approval.

Adopted Yeas – 7 Nays – 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:
Yeas – 7 Nays – 0

Resolution – 07-761 – Approving the ballfields at Palace Recreation Center be dedicated and named in the honor of SSG James M. Wosika, Jr.

Councilmember Thune spoke to the strong community support in having the Palace Recreation Center dedicated in honor of SSG Wosika who gave his life for our Country while serving in Iraq, and he moved approval of the resolution.

Adopted Yeas – 7 Nays - 0

Councilmember Thune moved suspension of the rules to introduce the following resolution:
Yeas – 7 Nays - 0

Resolution – 07-762 – Authorizing proper City officials to receive up to \$4,500 from the community to cover costs of the purchase, delivery and installation of a flag pole to be erected at the Palace Recreation Center in honor of SSG James M. Wosika, Jr.

Councilmember Thune said the community raised the necessary funds needed to install a flag pole at the dedication ceremony at Palace Recreation Center, and he moved approval of the resolution.

Adopted Yeas – 7 Nays – 0

Councilmember Helgen acknowledged and thanked City staff for their continued hard work and dedication in the clean-up from the recent storms.

The meeting was recessed at 3:46 p.m., and reconvened at 5:32 p.m.

Present – 5 – Benanav, Bostrom, Harris, Helgen and Lantry

Absent – 2 – Montgomery and Thune (arrived after roll call)

PUBLIC HEARINGS

28. Third Reading – 07-671 – An ordinance changing Arlington Avenue from Walsh Street to Payne Avenue from a two-way street to a one-way street.

Paul St. Martin, Traffic Engineer, Department of Public Works, presented his staff report and explained the petition process. He said staff had some concern changing this part of Arlington Avenue into a one-way as it pertains to emergency vehicles and snow plowing.

(Councilmembers Thune and Montgomery arrived)

Mr. St. Martin said the District Councils are in favor of the ordinance change, and although staff has concerns they are taking a no opinion stance. He answered questions of Councilmembers.

No one appeared in opposition.

Appearing in support of the ordinance were the following:

Joe Flaa, 685 Arlington Avenue East, appeared stating he was speaking on behalf of neighbors in support of the ordinance. He said they've been concerned with the heavy eastbound traffic for some time as well as vehicles using Arlington Avenue as a straight shot to Lake Phalen, which causes congestion. He's concerned with pedestrian safety, especially with so many young children in the area who play and ride their bicycles. He referred to City staff's concern of snow plowing and said this is only a two block area involved, and he urged the Council to support the ordinance.

At the request of Council President Lantry, approximately fifteen neighborhood residents stood showing their support for the ordinance.

Joan Walters, 672 Arlington Avenue East, said a major problem on Arlington is toward Greenbrier when the street dips down and pedestrians and other vehicles cannot see oncoming cars.

Larry Simpson, 681 Sherwood Avenue, stated that numbers do not always reflect true problems. The noise level of vehicles is significant and turning this portion of Arlington into a one-way street would be a large improvement.

Dan Collins, 676 Arlington Avenue East, said he has three children, and there are fourteen other children on his block alone. There are no sidewalks on Greenbrier and after 5:00 p.m. when the traffic gets very heavy, this causes great stress.

Councilmember Bostrom moved to close the public hearing. Yeas – 7 Nays – 0
Laid over to August 22 for final adoption

29. Resolution – 07-746 – Approving the application of the Saint Paul Chamber Orchestra for a sound level variance in order to present live music, with limitations, on September 6, 7, and 8, 2007, from 12:00 noon to 10:00 p.m., at Mears Park.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

30. Resolution – 07-747 – Approving the application of Alarm Products Distribution for a sound level variance in order to present live music, with limitations, on August 23, 2007, from 6:00 p.m. to 10:00 p.m., at 2350 Territorial Road. (GS 3041954)

No one appeared in opposition; Councilmember Benanav moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

31. Resolution – 07-748 – Approving the application of the University of St. Thomas for a sound level variance in order to present live music, with limitations, at an outdoor music concert on September 22, 2007, from 7:00 p.m. to 9:00 p.m., at 2115 Summit Avenue.

Pete Kichler appeared on behalf of the City and stated he received a telephone call from staff of the University of St. Thomas requesting this item be withdrawn as the event was not taking place. No one else appeared, and the resolution was withdrawn.

Withdrawn

32. Resolution – 07-749 – Establishing “no parking from 8:00 a.m. to 8:00 p.m. Monday through Friday, except by permit” on the north side of Portland Avenue from Avon Street to Victoria Street.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

33. Final Order – 07-750 – In the matter of reconstructing sidewalk on the north side of Fifth Street East from Wacouta Street to Wall Street and the west side of Wall Street from Fifth Street East to Sixth Street East [S0711], and on the south side of Fourth Street East from Jackson Street to Sibley Street and the west side of Sibley Street from Kellogg Boulevard East to Fourth Street East [S0712].

No one appeared in opposition; Councilmember Thune moved to close the public hearing be closed and approval.

Adopted Yeas – 7 Nays – 0

34. Final Order – 07-751 – In the matter of the operation and maintenance costs for the Arcade/Case and the Grand/Snelling parking lots for 2009. [File Nos. 18744 and 18746]

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

35. Resolution Ratifying Assessment – 07-752 – In the matter of the assessment of benefits, cost, and expenses for the Arcade/Case and the Grand/Snelling parking lots operation and maintenance costs for 2008. [File Nos. 18744 and 18746]

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

36. Resolution Ratifying Assessment – 07-753 – In the matter of the assessment of benefits, cost, and expenses for Tenant Remedy Action Rehabilitation for property at 1455 Maryland Avenue East in May, 2007 [TR0704].

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas – 7 Nays – 0

37. Public hearing to consider the application of David Levy to rezone property from RM 2 (Multiple-Family Residential) to OS (Office-Service) at 2236 7th Street West, southeast corner at Springfield. (Zoning File 07-095-904) (The public hearing will be held and continued to August 22 at 3:30 p.m.)

Patricia James, Department of Planning and Economic Development, presented a staff report and answered questions of Councilmembers.

Councilmember Harris noted that Mr. Levy was not able to be present at this meeting. He moved to continue the public hearing to August 22. Yeas – 7 Nays – 0

38. Public hearing to consider the appeal of John J. Rogers to a decision of the Planning Commission approving the site plan and variance to develop on slopes steeper than 12% in the River Corridor at 2108 Douglynn Lane. [ZF 07-113295] (Public hearing continued from August 1)

No one appeared in opposition. Council President Lantry suggested the public hearing be continued to September 5; however, at her request, this item was discussed at a later point in the meeting and Councilmember Lantry moved the public hearing be continued to August 22 at 3:30 p.m. Yeas – 7 Nays – 0

39. Public hearing to consider the appeal of George LeTendre to a decision of the Planning Commission denying renewal of determination of similar use as an outdoor restaurant for Shamrocks Grill at 1001 7th Street West. (Zoning File 07-120-131)

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to September 5. Yeas – 7 Nays – 0

40. Resolution – 07-754 – Ordering the owner to remove or repair the property at 468 Case Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, presented a staff report stating nothing has been done on this property and she recommended it be removed or repaired within fifteen days.

BJ Alderson, 468 Case Avenue, appeared and explained prior obligations he had before he could proceed on this property. The property was broken into and all the plumbing stolen which caused him further delay. He requested the Council grant him 45 days to make the needed repairs.

Councilmember Helgen moved to close the public hearing.
Yeas – 6 Nays – 0 (Thune not present)

Councilmember Helgen said this area has a high concentration of vacant properties, and this address has been vacant since 2004. He moved approval of the resolution.
Adopted Yeas – 6 Nays – 0 (Thune not present)

41. Resolution – 07-755 – Ordering the owner to remove or repair the property at 733 Case Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, presented a staff report stating everything requested by the property owner has been done with the exception of a work plan, and she recommended a three week layover.

Bashir Mogherl, 733 Case Avenue, appeared stating he purchased this property on August 2. He said he has paid the vacant building registration fee and bond, and that he is in a financial situation to be able to get the required work done. He urged the Council to approve Ms. Moermond's recommendation for a three week layover.

Councilmember Bostrom moved to close the public hearing.
Yeas – 6 Nays – 0 (Thune not present)

Councilmember Bostrom said this property was severely damaged by fire and is not salvageable. He urged the property owner to be very careful as he proceeds and to obtain as much information as possible.

Councilmember Bostrom moved approval.
Adopted Yeas – 6 Nays – 0 (Thune not present)

42. Resolution – 07-756 – Ordering the owner to remove or repair the property at 472 Minnehaha Avenue East within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and explained there had been a notification problem. She said the plan has been submitted and fees paid, and recommended the resolution be laid over to September 5.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to September 5

Public hearing continued to September 5 (per the recommendation of the Legislative Hearing Officer). Yeas – 7 Nays – 0

43. Resolution – 07-757 – Ordering the owner to remove or repair the property at 294 Sherburne Avenue within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, presented a staff report stating all conditions have been met, and she recommended granting the owner 180 days to repair the property.

No one appeared in opposition; Councilmember Montgomery moved to amend the resolution to grant the owner 180 days for rehabilitation of the property.

Adopted as amended (Owner granted 180 days to complete rehabilitation, per the recommendation of the Legislative Hearing Officer) Yeas – 7 Nays - 0

44. Resolution Ratifying Assessment – 07-758 – In the matter of the assessment of benefits, cost, and expenses for summary abatements (property clean-up) from April 28 to May 17, 2007 [J0708A1] at 645 Farrington Street and 647 Van Buren Avenue. (Laid over from August 1) (Legislative Hearing Officer's recommends the following:

645 Farrington Street (J0708A)- recommends deleting the assessment; and
647 Van Buren Avenue (J0708A) - reduce the assessment from a total of \$739.38 to a total of \$588 and spread the payments over three (3) years.)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer)
Yeas – 7 Nays – 0

45. Resolution Ratifying Assessment – 07-759 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) on private properties from May 17 to June 12, 2007 [J0709A]; and providing weekly garbage hauling services from May 17 to June 12, 2007 [J0709G]. (**Legislative Hearing Officer recommends the following:**

1126 Albemarle Street (J0709A) - approve the assessment;
757 Bayard Avenue (J0709A) - approve the assessment;
1910 Chelton Avenue (J0709A) - reduce the assessment from a total of \$392 to a total of \$196;
870 Cook Avenue East (J0709A) - approve the assessment;

1201 Cook Avenue (J0709A) - delete the assessment;
1518 Desoto Street (J0709G) - delete the assessment;
578 Edmund Avenue (J0709A) - delete the assessment;
782 Englewood Avenue (J0709A) - approve the assessment;
288 Erie Street (J0709A) - delete the assessment;
1674 Fifth Street East (J0709A) – referred back to the August 21 Legislative Hearing and the September 5 City Council Public Hearing;
996 Fremont Avenue (J0709A) - approve the assessment;
996 Fremont Avenue (J0709G) - approve the assessment;
66 Geranium Avenue (J0709A) - delete the assessment;
105 Hatch Avenue (J0709A) - delete the assessment;
125-127 Hyacinth Avenue West (J0709G) - referred back to the August 21 Legislative Hearing and the September 5 City Council Public Hearing;
72 Ivy Avenue West (J0709A) - delete the assessment;
765 Jackson Street (J0709A) - delete the assessment;
108 Lawson Avenue West (J0709A) - delete the assessment;
1135 Magnolia Avenue East (J0709A) - referred back to the August 28 Legislative Hearing and the September 5 City Council Public Hearing;
110 Manitoba Avenue (J0709G) - approve the assessment;
836 Manomin Avenue (J0709A) - approve the assessment;
859 Marion Street (J0709A) - approve the assessment;
1798-1800 Mechanic Avenue (J0709A) - approve the assessment;
2029 Minnehaha Avenue East (J0709A) - delete the assessment;
503 Nebraska Avenue East (J0709A) - delete the assessment;
776 Seventh Street East (J0709A) - approve the assessment;
694 Sherburne Avenue (J0709A) - delete the assessment;
1038 Sixth Street East (J0709A) - delete the assessment;
524 Snelling Avenue North (J0709A) - delete the assessment;
555 Snelling Avenue North (J0709A) - delete the assessment;
593 Snelling Avenue North (J0709A) - delete the assessment;
896 Third Street East (J0709A) - delete the assessment;
606 Thomas Avenue West (J0708A) - delete the assessment;
1407 Thomas Avenue (J0709A) - delete the assessment;
654 Van Buren Avenue (J0709G) - approve the assessment;
503 Virginia Street (J0709A) - approve the assessment;
1135 Virginia Street (J0709A) - delete the assessment;
568 Western Avenue North (J0709A) - approve the assessment; and
1546 York Avenue (J0709A) - approve the assessment.)

Marcia Moermond, Legislative Hearing Officer, requested that properties at 1674 East Fifth Street and 125-127 Hyacinth Avenue West be referred back to the August 21 Legislative Hearings and the September 5 City Council public hearings, and that 1135

Magnolia Avenue East be referred back to the August 28 Legislative Hearings and the September 5 City Council public hearings.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas – 7 Nays – 0

- 46. Appeal of Chowdhury Ahsan to a Certificate of Occupancy, which includes Condemnation, for property at 610 Chatsworth Street North. (Legislative Hearing Officer recommends denying the appeal on the condemnation and granting an extension on the order to vacate to August 15)

Marcia Moermond, Legislative Hearing Officer, noted that the Fire Department is very near to lifting its condemnation notice on this property and, therefore, recommended denial of the appeal extension.

No one appeared in opposition, and Councilmember Montgomery moved the appeal be denied on the condemnation and extension granted to August 15 on the order to vacate

Appeal denied on the condemnation and extension granted to August 15 on the order to vacate (as recommended by the Legislative Hearing Officer). Yeas – 7 Nays – 0

- 47. Appeal of Beverly Rogers to a Vehicle Abatement Order for property at 663 Aurora Avenue. (Legislative Hearing Officer recommends denying the appeal)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and deny the appeal (per the recommendation of the Legislative Hearing Officer).

Appeal denied Yeas – 7 Nays – 0

Councilmember Thune moved to adjourn the meeting. Yeas – 7 Nays – 0

ADJOURNED AT 6:25 P.M.

ATTEST:

 Mary Erickson
 Assistant Council Secretary

 Kathy Lantry, Council President

Submitted by:
 Pattie Kelley

 October 17, 2007
 Minutes approved by Council